

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PATRICE CHAMBERS, on behalf of herself and all others similarly situated,

Plaintiff,

vs.

HSBC BANK USA, N.A.,

Defendant.

Civil Action No. 1:19-cv-10436-ER

Hon. Edgardo Ramos

**RESPONSE TO PLAINTIFF'S
FOURTH NOTICE OF
SUPPLEMENTAL AUTHORITY
IN SUPPORT OF OPPOSITION
TO MOTION TO DISMISS**

Like her prior submissions, Plaintiff's Fourth Notice of Supplemental Authority (the "Notice") fails to submit any pertinent or persuasive authority in support of her Opposition to HSBC's Motion to Dismiss.¹ Critically, Plaintiff again relies on fundamentally distinguishable opinions addressing agreements that, unlike HSBC's Rules and Disclosures, failed to define the term "item." See ECF No. 35-1 at 5; ECF No. 35-2 at 15. As a result, the ambiguities resulting in denials of the motions to dismiss in McNeil v. Capital One Bank, N.A., No. 19-cv-00473-FB-RER (E.D.N.Y. Sept. 29, 2020) and Roy v. ESL Federal Credit Union, No. 19-cv-6122-FPG-MJP (W.D.N.Y. Sept. 30, 2020) are irrefutably not present here, rendering those decisions inapposite to the pending Motion and offering no support whatsoever to Plaintiff's Opposition. Nothing in the Notice therefore changes the conclusion that Plaintiff's Complaint should be dismissed in its entirety and with prejudice.

¹ Capitalized terms are used herein as defined in the Motion. (ECF No. 19.)

Dated: New York, New York
October 19, 2020

STROOCK & STROOCK & LAVAN LLP

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